

## **REMARKS<sup>1</sup>**

### **STATUS OF THE CLAIMS**

Claims 1-11 are pending with claims 1 and 10 being in independent form. Applicant proposes amending claims 1, 2, 10, and 11 to improve clarity. The amendments are supported by the specification as originally filed. Applicant respectfully requests reconsideration and allowance of the application for the reasons presented below.

### **INTERVIEW OF OCTOBER 23, 2009**

Applicant appreciates the courtesy extended to Applicant's representative during the telephone interview of October 23, 2009. During the interview, the Examiner, the Primary Examiner, and Applicant's representative discussed elements in claim 1. Although no agreement was reached, Applicant appreciates the Examiner's cooperation during the interview.

### **RESPONSE TO CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 7,386,876 to Kim ("Kim"), in view of US Publication No. 2004/0003285 to Whelan et al. ("Whelan"), further in view of US Patent No. 6,115,376 to Sherer et al. ("Sherer").

Applicant respectfully disagrees with the Office action and traverses the rejections for the following reasons. No *prima facie* case of obviousness is established. The Examiner has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See MPEP § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385

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<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

(2007).

By this Amendment, Applicant has amended claim 1 to more clearly illustrate the differences between the cited references and the pending claims. Applicant maintains that the Examiner has not properly determined the scope and content of the prior art, and has not properly ascertained the differences between the claimed invention and the prior art, at least because the Examiner has not interpreted the prior art and considered both the invention and the prior art as a whole. See MPEP § 2141(II)(B).

Claim 1 recites a method for preventing Ethernet from being attacked including, *inter alia*, a combination of “establishing and storing a fixed map ...,” and “if a hardware address carried in a data packet received from the terminal device is different from the hardware address corresponding to the port in said fixed map, **prohibiting the fixed map ... from being modified** as long as the connection between the port and the terminal device is not cut off” (emphasis added). Applicant respectfully submits that the cited prior art references, considered alone, or in combination, fail to disclose or suggest such a combination.

As acknowledged by the Examiner, Kim does not teach “prohibiting the fixed map between the port and the hardware address from being modified as long as the connection between the port and the terminal device is not cut off.” Whelan fails to cure the deficiency of Kim.

The Office action relies on paragraph 0017, lines 12-17 of Whelan, asserting that it teaches “prohibiting the fixed map between the port and the hardware address from being modified as long as the connection between the port and the terminal device is not cut off” as claimed in claim 1. Paragraph 0017, lines 12-17 of Whelan recites that

...In another embodiment, the system further comprises a switch or router configured to transfer information between at least two network segments; and the network monitor is further configured to configure the switch or router to prevent transfer of information through the switch originating from or addressed to the unauthorized access point.

As seen above, Whelan discloses that the network monitor configures the switch or router to prevent transfer of information through the switch originating from or addressed to the unauthorized access point. The above sentence does not disclose how the network monitor configures the switch or router to prevent transfer of information through the switch. However, paragraph 0039 of Whelan discloses:

The network monitor may also attempt to disable communications between the network and the rogue access point from the network in step 250. In one embodiment, the monitor **changes the MAC address filter settings** on the rogue access point to exclude all MAC addresses, effectively preventing the use on the rogue access point on the network. In another embodiment, the monitor **changes the routing table settings** of network devices such as routers or switches to prevent network traffic to and from the rogue access point and thereby minimize the risk to the network. (Emphasis added).

As seen above, Whelan describes that the network monitor configures the switch or router to prevent network traffic to and from the rogue access point **by changing the routing table settings**. In contrast, claim 1 of the present application recites "if a hardware address carried in a data packet received from the terminal device is different from the hardware address corresponding to the port in said fixed map, **prohibiting the fixed map ... from being modified** as long as the connection between the port and the terminal device is not cut off" (emphasis added). Thus, Whelan not only fails to disclose or suggest the claimed combination, but also teaches away from the present invention as the reference suggests to **change the MAC address filter settings or the routing table settings**.

Whelan actually discloses using a traditional MAC address filter. See e.g., paragraphs 0017, 0039, and 0042 ("The monitor checks the MAC address of the reported mobile unit and checks if the reported mobile unit is included in the currently connected mobile unit list. If the reported mobile unit is included in the currently connected mobile unit list, the reported mobile unit is an authorized mobile unit associated with an authorized access point and the monitor returns to step 310 to receive the next mobile unit identification.") The MAC address filter disclosed in

Whelan will not solve the MAC address cheating and MAC address bombing problems discussed in the Background of the present application. For example, the MAC address filter will not detect a faked-authorized MAC address if it comes in from the same port.

In the present application, when a hardware address carried in a data packet received from the terminal device is different from the hardware address corresponding to the port in the fixed map, claim 1 requires prohibiting the fixed map from being modified. The claimed method may prevent attacks by MAC address cheating and MAC address bombing. Applicant respectfully submits that Whelan fails to teach or suggest a combination of "establishing and storing a fixed map ...," and "if a hardware address carried in a data packet received from the terminal device is different from the hardware address corresponding to the port in the fixed map, prohibiting the fixed map between the port and the hardware address from being modified as long as the connection between the port and the terminal device is not cut off," as recited in claim 1.

Sherer, which was cited as allegedly teaching deleting the fixed map after the Ethernet connection device detects a disconnection between the port and the terminal device, fails to cure the deficiencies of Kim and Whelan. As explained above, the elements recited in claim 1 are neither taught nor suggested by the applied references. Nor has the Examiner explained how teachings of the references could have been modified to achieve the claimed combination. Claim 1 is thus patentable over the prior art of record and withdrawal of the rejection is respectfully requested.

Independent claim 10, although of different scope, recites elements similar to those of claim 1, and should be allowable over the cited prior art for at least the same reasons as claim 1. Claims 2-9 depend from claim 1 and claim 11 depends from claim 10, and all are allowable at least due to their dependence therefrom.

### **Conclusion**

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this

Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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